

Appl. No. 09/923,707
Amdt. dated February 3, 2006
Reply to Office action of October 5, 2005

REMARKS/ARGUMENTS

Applicants received the Office Action dated October 5, 2005 in which the Examiner: 1) rejected claims 1, 2, 4-6, 8, 11-14, 16-18, 25 and 27 under 35 U.S.C. § 102(b) as being anticipated by Strauss (U.S. Pat. No. 4,476,582); 2) rejected claims 3 and 15 under 35 U.S.C. § 103(a) as obvious over Strauss in view of Bickford (U.S. Pat. No. 6,021,320); and 3) rejected claims 9, 10 and 20-23 under 35 U.S.C. § 103(a) as obvious over Strauss in view of Bickford and Dennison (U.S. Pat. No. 5,815,814). Applicants amend claim 29 and submits new claims 30 and 31. Based on the amendments and arguments contained herein, Applicants respectfully submit that this case is in condition for allowance.

Strauss teaches a broadcast receiver that, while tuned to and playing a program on one radio station, continuously seeks out an alternate station that is broadcasting the same program and that would result in a higher reception quality. The following is from the Abstract of Strauss:

While a particular station is being listened to, therefore, continuous checking of the station being listened to with other stations broadcasting the same program for relative reception quality can be carried out automatically while a station is being listened to in a moving vehicle, without taking into account the signals broadcast by stations that are too far away. As soon as some other station broadcasting the same program is found to provide better reception, it is automatically tuned in, and from then on the distance criterion is referred to the location of the new station, a new set of stations for signal comparison is selected and the comparative signal checking process is continued automatically.

Thus, Strauss teaches continuously seeking out a new station to which to tune that is better (in terms of reception quality) than the current station. Even if the reception associated with the current station is more than adequate, Strauss's receiver constantly seeks out an even better station.

Appl. No. 09/923,707
Amdt. dated February 3, 2006
Reply to Office action of October 5, 2005

Claim 1 requires "a controller...operable to recall one of said plurality of radio station identities referenced to the same program content specifier as a presently specified radio station when the presently received signal strength meets a threshold. This claim limitation is in contrast to Strauss which teaches continuously checking for stations with better reception. Thus, whereas claim 1 requires recalling a radio station identity if the received signal strength meets a threshold, Strauss teaches searching for a station with better reception regardless of the reception strength of the currently tuned station. The other art of record does not satisfy this deficiency of Strauss and was not used in that regard anyway by the Examiner. At least for this reason, claim 1 and all claims dependent thereon are allowable. The same or similar argument also applies to independent claims 13 and 25 and claims dependent on claim 13.

Newly added claims 30 and 31 are similar to dependent claims 4 and 16, respectively, but further specify that the subscription service is provided via a radio station. None of the art has any such teaching.

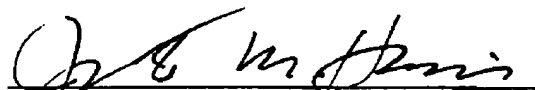
Applicants amend claim 27 to specify that the act of "selecting a radio station identify from the memory that has the same program content" is performed "upon determining that the signal strength of the present radio station signal has met a threshold." Strauss does not teach selecting a radio station identity as a possible replacement station upon determining that the signal strength of the present station has met a threshold. The other art of record does not satisfy this deficiency of Strauss and was not used in that regard by the Examiner. At least for this reason, claim 27 is allowable.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of

Appl. No. 09/923,707
Amdt. dated February 3, 2006
Reply to Office action of October 5, 2005

time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



Jonathan M. Harris
PTO Reg. No. 44,144
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANTS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400